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Attorneys for Defendants  
ATI Technologies ULC and  
Advanced Micro Devices, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KAROL JUSKIEWICZ, on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

NVIDIA CORPORATION; ATI  
TECHNOLOGIES, INC.; and  
ADVANCED MICRO DEVICES, INC.,

Defendants.

**Case No. C-07-00381 SBA**

**CLASS ACTION**

**STIPULATED REQUEST TO CONTINUE  
INITIAL CASE MANAGEMENT  
CONFERENCE AND ADR DEADLINES;  
ORDER**

**JURY TRIAL DEMANDED**

Plaintiff Karol Juskiewicz ("Plaintiff") and Defendants Nvidia Corporation ("Nvidia"), ATI Technologies ULC and Advanced Micro Devices, Inc. (collectively "AMD") hereby jointly request the Court to continue the initial case management conference and related deadlines in this action as follows.

1. On January 19, 2007, Plaintiff filed the complaint in this action ("Complaint"), which alleges claims under Section 1 of the Sherman Act, 15 U.S.C. § 1. Plaintiff styled the Complaint as a putative class action.

2. As of the date of this Stipulation, at least 42 other complaints have been filed in this and other judicial districts. All of these complaints also allege federal and/or state law antitrust claims against Nvidia and AMD and are styled as putative class actions.

3. On December 8, 2006, plaintiffs in some of the other actions pending in this district filed a motion before the Judicial Panel on Multidistrict Litigation ("JPML" or "Panel") to transfer and consolidate in this judicial district all existing and subsequently filed antitrust actions related to the claims alleged in the Complaint ("JPML Motion"). The JPML Motion is currently pending in *In re Graphics Processing Units Antitrust Litigation*, MDL Docket No. 1826.

4. On January 16, 2007, AMD and Nvidia filed a response with the JPML supporting consolidation and transfer of these actions to the Northern District of California, San Jose Division, or, in the alternative, in the Northern District of California, San Francisco Division. To date, every party responding to the JPML Motion has supported consolidation and transfer. No party has opposed consolidation and transfer.

5. Oral argument on the JPML Motion is scheduled for March 29, 2007 in San Antonio, Texas. The parties agree that, at some point subsequent to that hearing, the JPML is likely to order transfer and consolidation of these actions.

6. In light of these facts, Plaintiff and Defendants stipulated in February 2007 to extend the time for Defendants to respond to the Complaint to 30 days after (1) the order resolving the JPML motion and (2) the filing and service of any subsequent consolidated complaint, without prejudice to the right of Nvidia or AMD to seek additional time to answer or otherwise respond to the Complaint for good cause shown.

7. Given the March 29, 2007 hearing date before the JPML, the dates set forth in the Order Setting Initial Case Management Conference and ADR Deadlines entered on January 19, 2007 ("January 19 Order") and the Clerk's Notice entered on February 16, 2007 ("February 16 Order"), including the deadlines imposed by Federal Rules of Civil Procedure 26, Local Rule 16, and ADR Local Rule 3.5, will come to pass either before or at about the same time the JPML acts on the pending motion.

1                   8. Continuing the dates set forth in the January 19 Order and the February 16  
 2 Order would avoid the expenditure of unnecessary judicial resources until it is determined  
 3 whether this action will remain pending in this Court. It would also ensure consistency in  
 4 pretrial rulings and be convenient for the parties, including Plaintiff.

5                   9. Accordingly, the parties hereby stipulate to and respectfully request that  
 6 the Court order a continuance of the dates set forth in the January 19 Order and the February 16  
 7 Order. The affected dates include (1) the deadline to meet and confer re: initial disclosures, early  
 8 settlement, ADR process selection, and discovery plan (currently April 4, 2007); (2) file joint  
 9 ADR documents (currently April 4, 2007); (3) complete initial disclosures and file the Case  
 10 Management Statement and Rule 26(f) Report (currently April 18, 2007); and (4) the Initial Case  
 11 Management Conference (currently April 26, 2007).

12                   10. The parties request that the Court continue the above referenced schedule  
 13 as follows: (1) the deadline to meet and confer re: initial disclosures, early settlement, ADR  
 14 process selection, and discovery plan – June 7, 2007; (2) file joint ADR documents – June 7,  
 15 2007; (3) complete initial disclosures and file the Case Management Statement and Rule 26(f)  
 16 Report – June 18, 2007; and (4) the Initial Case Management Conference – June 28, 2007 at 3:00  
 17 p.m., via telephone. Such a continuance will allow this matter to move forward promptly in the  
 18 event that the JPML Motion is denied and further proceedings before this Court are necessary.

19                   11. Except as described in Paragraph 6, the parties have sought no previous  
 20 modification of the timing of any event or deadline set by the Court.

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12. The parties agree to notify the Court promptly when the Panel rules on the JPML Motion.

Respectfully submitted,

Dated: March 22, 2007

LATHAM & WATKINS LLP

By: /s/ Charles H. Samel  
Charles H. Samel (182019)

Attorneys for Defendants  
ATI TECHNOLOGIES ULC and  
ADVANCED MICRO DEVICES, INC.

Dated: March 22, 2007  
COOLEY GODWARD KRONISH LLP

By: /s/ James Donato  
James Donato (146140)

Attorneys for Defendant  
NVIDIA CORPORATION

Dated: March 21, 2007  
TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP

By: /s/ Mario Alioto  
Mario Alioto (56433)

Attorneys for Plaintiff  
KAROL JUSKIEWICZ

1 FILER'S ATTESTATION:

2 Pursuant to General Order No. 45, § X(B) regarding signatures, I attest under penalty of  
3 perjury that the concurrence in the filing of this document has been obtained from its signatories.

4 Dated: March 22, 2007

5 By: /s/ Charles H. Samel  
Charles H. Samel

**ORDER**

Pursuant to the stipulation of the parties, all dates set forth in the January 19, 2007 Order Setting Initial Case Management Conference and ADR Deadlines and the February 16, 2007 Clerk's Notice are hereby continued as follows: (1) the deadline to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan will be June 7, 2007; (2) the deadline to file joint ADR documents will be June 7, 2007; (3) the deadline to complete initial disclosures and file the Case Management Statement and Rule 26(f) Report will be June 18, 2007; and (4) the Initial Case Management Conference will be on June 28, 2007 at 3:00 p.m., via telephone. The parties shall **meet and confer** prior to the conference and shall prepare a joint Case Management Conference Statement which shall be filed no later than ten (10) days prior to the Case Management Conference that complies with the Standing Order For All Judges Of The Northern District Of California and the Standing Order of this Court. Plaintiffs shall be responsible for filing the statement as well as for arranging the conference call. All parties shall be on the line and shall call (510) 637-3559 at the above indicated date and time. The parties are ordered to notify the Court promptly when the Judicial Panel on Multidistrict Litigation rules upon the motion for consolidation pending in MDL Docket No. 1826, *In re Graphics Processing Units Antitrust Litigation*.

Pursuant to stipulation, it is so ordered.

Dated: 4/3/07

  
The Honorable Sandra Brown Armstrong